

REMARKS

Claims 1-10 and 25-29 are pending in the application. Claims 11-24 were canceled previously in response to a Restriction Requirement. Claims 1, 25, and 29 are the only independent claims.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-5, 9 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,187,043 to Ledergerber. The Examiner contends that Ledergerber discloses in Figure 25 a prosthesis comprising a body member having a plurality of inflatable chambers 144, 148 with chamber 148 positioned on the upper side of the breast relative to chambers 144 on the lower portion of the breast.

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Ledergerber. Pursuant to applicant's claim 1, the prosthesis chambers include a first inflatable chamber disposed *only* on an upper side of the recipient's breast and a second inflatable chamber disposed *only* on a lower side of the breast. In contrast, because the chambers 144 and 148 of Ledergerber's Figure 25 embodiment are axially symmetric, *each* chamber is located on *both* an upper side *and* a lower side of the recipient's breast. More specifically, chambers 144 are annularly or toroidally disk shaped, while chamber 148 has disk-shaped lobes and a hemispherical lobe. The Ledergerber Figure 25 embodiment has no chamber that is located only on an upper side of a recipient's breast and no chamber that is located only on a lower side of a recipient's breast.

Claims 10 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ledergerber in view of U.S. Patent No. 4,773,909 to Chaglassian. In making this rejection, the Examiner contends that Chaglassian discloses a valve 12 between two inflatable chambers 5 and 6.

Applicant respectfully traverses the Examiner's rejection of independent claim 25 and more particularly contravenes the Examiner's reading of the Chaglassian disclosure and applicant's claim 25. Claim 25 recites in pertinent part "a plurality of one-way valves each disposed between two adjacent chambers for enabling a transfer of fluid from one of said adjacent chambers to another of said adjacent chambers...." The Chaglassian references discloses a breast prosthesis having three

chambers (5, 6, 7) but does not disclose a valve "disposed between two adjacent chambers for enabling a transfer of fluid from one of said adjacent chambers to another of said adjacent chambers...." The valve (12) to which the Examiner refers is located in one chamber (5), between the walls (2, 3) defining the chamber, for directing fluid into or out of that one chamber. Chaglassian does not disclose any valve between two adjacent chambers (5 and 6, 6 and 7, 5 and 7).

Claim 25 is amended herein to amend a typing or word-processing error.

Conclusion

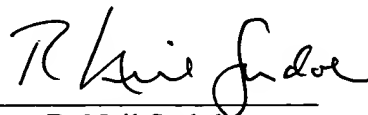
For the foregoing reasons, independent claims 1 and 25, as well as the claims dependent therefrom, are deemed to be in condition for allowance. Claim 29 has been allowed.

Applicant encloses a Request for an Extension of Time and a Notice of Appeal.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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